

Message Text

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INFO OCT-01 EUR-12 ISO-00 FEA-01 ACDA-10 AGR-10 AID-05

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DLOS-04 DODE-00 DOTE-00 EB-07 EPA-04 ERDA-07 FMC-02

TRSE-00 H-02 INR-07 INT-05 IO-11 JUSE-00 NSAE-00

NSC-05 NSF-02 OES-05 OMB-01 PA-02 PM-04 PRS-01 SP-02

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E.O. 11652; N/A

TAGS: PBOR, PFOR, PLOS, CA

SUBJECT: U.S.-CANADIAN CONTINENTAL SHELF BOUNDARIES

1. EMBASSY IS REQUESTED TO DELIVER FOLLOWING NOTE TO GOC
AS SOON AS POSSIBLE.

2. BEGIN TEXT: THE EMBASSY OF THE UNITED STATES OF
AMERICA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF
EXTERNAL AFFAIRS AND REFERS TO THE MATTER OF CONTINENTAL
SHELF BOUNDARIES BETWEEN THE UNITED STATES AND CANADA.

- IT HAS ONLY RECENTLY COME TO THE ATTENTION OF THE
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GOVERNMENT OF THE UNITED STATES THAT THE GOVERNMENT OF

CANADA HAS GRANTED OIL AND GAS CONCESSIONS IN THE BEAUFORT SEA AS FAR WEST AS 141 DEGREES WEST LONGITUDE. FURTHERMORE, THE GOVERNMENT OF THE UNITED STATES HAS HEARD FROM PUBLIC SOURCES THAT THE GOVERNMENT OF CANADA HAS GRANTED SIMILAR CONCESSIONS IN THE DIXON ENTRANCE AND STRAIT OF JUAN DE FUCA AREAS. REPORTEDLY, SOME OF THESE CONCESSIONS WERE GRANTED AS MANY AS TEN YEARS AGO.

- THE UNITED STATES NOTES THESE ACTIONS WITH CONCERN, SINCE THEY OCCUR IN AREAS WHERE THE CONTINENTAL SHELF BOUNDARIES BETWEEN THE UNITED STATES AND CANADA HAVE NOT

BEEN DETERMINED. THE UNITED STATES WAS NEITHER CONSULTED NOR NOTIFIED CONCERNING CANADIAN INTENTIONS IN THESE AREAS OF COMMON INTEREST. THE GOVERNMENT OF THE UNITED STATES RECALLS THAT IN ITS NOTE OF NOVEMBER 5, 1969, IN WHICH IT RESERVED ITS RIGHTS AND THOSE OF ITS NATIONALS WITH RESPECT TO THE GULF OF MAINE CONTINENTAL SHELF BOUNDARY, IT ALSO RESERVED ITS RIGHTS AND THOSE OF ITS NATIONALS WITH RESPECT TO AREAS IN THE VICINITY OF OTHER CONTINENTAL SHELF BOUNDARIES BETWEEN THE UNITED STATES AND CANADA.

- THE UNITED STATES WISHES TO EMPHASIZE THAT SINCE THE TRUMAN PROCLAMATION OF 1945 CANADA HAS KNOWN THAT THE POSITION OF THE UNITED STATES WITH RESPECT TO CONTINENTAL SHELF BOUNDARIES WITH CANADA IS THAT THEY SHALL BE DETERMINED BY AGREEMENT IN ACCORDANCE WITH EQUITABLE PRINCIPLES, AND THAT THIS IS CONFIRMED BY THE 1958 GENEVA CONVENTION ON THE CONTINENTAL SHELF AND OTHER RELEVANT PRINCIPLES OF INTERNATIONAL LAW. UNILATERAL ACTS OF CANADA CAN NOT LAY A FOUNDATION FOR A CANADIAN CLAIM TO SPECIFIC BOUNDARY AREAS.

- UNTIL THE EXACT LOCATION OF THE UNITED STATES-CANADA CONTINENTAL SHELF BOUNDARIES IN THE BEAUFORT SEA, DIXON ENTRANCE AND STRAIT OF JUAN DE FUCA AREAS ARE DETERMINED, THE UNITED STATES CAN NEITHER ACCEPT NOR RECOGNIZE AS VALID ANY CANADIAN AUTHORIZATION OF EXPLORATION OR EXPLOITATION OF THE NATURAL RESOURCES OF THE CONTINENTAL SHELF IN AREAS THAT ARE OR MAY BE SUBJECT TO THE

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JURISDICTION OF THE UNITED STATES. THE UNITED STATES ONCE AGAIN RESERVES ITS RIGHTS AND THOSE OF ITS NATIONALS WITH RESPECT TO THOSE AREAS, PARTICULARLY IN THE BEAUFORT SEA.

. THE GOVERNMENT OF THE UNITED STATES ALSO WISHES TO NOTE THAT THE VIEWS REGARDING PRESUMPTIONS IN FAVOR OF EQUIDISTANCE EXPRESSED BY THE CANADIAN DELEGATION IN THE NEGOTIATIONS CONCERNING THE CONTINENTAL SHELF BOUNDARY

IN THE GULF OF MAINE AREA, AND THE VIEWS WHICH WERE EXPRESSED IN THE EMBASSY OF CANADA'S NOTE NO. 52 OF FEBRUARY 2, 1975, ARE NOT CONSISTENT WITH THE CANADIAN ACTION IN THE BEAUFORT SEA AREA. THE UNITED STATES, FOR ITS PART, IS NOT AWARE OF CIRCUMSTANCES THAT WOULD JUSTIFY ASSERTIONS OF CANADIAN JURISDICTION AS FAR WEST AS THE 141 ST. MERIDIAN. MOREOVER, THE USE OF THE MERIDIAN RAISES QUESTIONS REGARDING THE SO-CALLED "SECTOR" THEORY WHICH, AS THE GOVERNMENT OF CANADA IS AWARE, HAS BEEN ASSOCIATED WITH ATTEMPTS TO INTERFERE UNLAWFULLY WITH NAVIGATIONAL AND OTHER FREEDOMS. ACCORDINGLY, THE UNITED STATES MUST RESTATE ITS LONG-STANDING POSITION THAT THE SO-CALLED "SECTOR" THEORY IS NOT AN ACCEPTED PRINCIPLE OF INTERNATIONAL LAW.

- THE GOVERNMENT OF THE UNITED STATES REQUESTS THAT THE GOVERNMENT OF CANADA FURNISH TO THE UNITED STATES INFORMATION CONCERNING THE WESTERN EXTENT OF CANADIAN OIL AND GAS LEASES OR OTHER PERMITS IN THE BEAUFORT SEA, THE NORTHERN EXTENT OF ANY SUCH LEASES OR PERMITS IN THE DIXON ENTRANCE AREA, AND THE SOUTHERN EXTENT OF ANY SUCH LEASES OR PERMITS IN THE STRAIT OF JUAN DE FUCA AREA. IN THIS CONNECTION THE GOVERNMENT OF THE UNITED STATES WOULD WELCOME AN EXPLANATION OF THE LEGAL ARGUMENTS REGARDING DELIMITATION UPON WHICH THE GOVERNMENT OF CANADA IS RELYING TO JUSTIFY THOSE ACTIONS IN EACH CASE. THE GOVERNMENT OF THE UNITED STATES EXPRESSES ITS WILLINGNESS TO ENTER NEGOTIATIONS CONCERNING THESE CONTINENTAL SHELF BOUNDARY AREAS AT AN APPROPRIATE AND MUTUALLY CONVENIENT TIME. END TEXT.

3. FYI. FEBRUARY 17 CONTINENTAL SHELF TALKS WITH
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CANADIANS WHICH TOUCHED BRIEFLY ON BEAUFORT SEA LEASING LED TO DEPARTMENT REVIEW OF GOC LEASING SITUATION IN BOUNDARY AREAS AND TO DETERMINATION THAT FORMAL NOTE EXPRESSING USG RESERVATION OF RIGHTS IN THESE AREAS WOULD BE USEFUL. END FYI. KISSINGER

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